

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE REPUBLIC OF IRAQ, including as
PARENS PATRIAE in behalf of the
CITIZENS of the REPUBLIC OF IRAQ

Plaintiff,

-against-

ABB AG, et al.,

Defendants.

ECF CASE

08 Civ. 5951 (SHS)

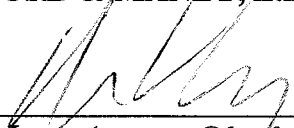
NOTICE OF MOTION

NOTICE OF MOTION TO COMPEL ARBITRATION
PURSUANT TO 9 U.S.C. § 4

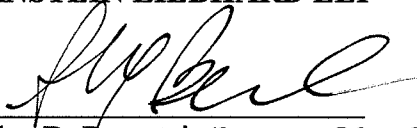
PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Republic of Iraq, by and through its counsel, will move this Court pursuant to 9 U.S.C. § 4, before the Honorable Judge Sidney H. Stein, at the United States Courthouse located at 500 Pearl Street, New York, New York, on a date and time to be set by the Court, for an Order directing Banque Nationale de Paris, S.A. to proceed to arbitration of certain claims in accordance with the terms of Article 1.23.2 of the Agreement for Banking Services, and for such other and further relief as the court may deem just and proper.

Dated: April 30, 2010
New York, New York

BURFORD & MANEY, L.L.P.

By: 
Mark Maney (mmaney@burfordmaney.com)
Roliff Purrington (rpurr@burfordmaney.com)
1221 McKinney Street, Suite 3150
Houston, Texas 77010
(713) 658-9001 Telephone
(713) 658-9011 Facsimile

BERNSTEIN LIEBHARD LLP

By: 
Stanley D. Bernstein(bernstein@bernlieb.com)
Rebecca M. Katz (katz@bernlieb.com)
Christian Siebott (siebott@bernlieb.com)
Sabina Sosunova (sosunova@bernlieb.com)
10 East 40th Street
New York, New York 10016
(212) 779-1414 Telephone
(212) 779-3218 Facsimile

COUNSEL FOR THE REPUBLIC OF IRAQ

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[PROPOSED] ORDER

SIDNEY H. STEIN, U.S.D.J.

ORDER

This matter is before the court on a motion filed by the Republic of Iraq pursuant to 9 U.S.C. § 4, for an order directing respondent, Banque Nationale de Paris, S.A., to proceed to arbitration in the manner provided for in Article 1.23.2 of the Agreement for Banking Services. Upon due consideration of the motion, it is hereby ORDERED that the motion is granted.

Furthermore, it is hereby ORDERED that:

The Republic of Iraq's motion for an order directing arbitration is ALLOWED and the parties are ORDERED to proceed with arbitration in accordance with the terms of Article 1.23.2 of the Agreement for Banking Services for the following claims:

1. The claim that BNP breached the Banking Agreement (the seventh claim for relief against BNP);
2. The claim that BNP breached its fiduciary duty (the fifth claim for relief against BNP).

The above claims are SEVERED AND STAYED pending resolution of arbitration.

The following claims remain in the present action:

1. The RICO claims (the first and second claims for relief);
2. The fraud claim (the third claim for relief);
3. The civil conspiracy claims (fourth claim for relief);
4. The claim for participation in, or inducement of, a breach of fiduciary duty (the sixth claim for relief), and
5. Unjust enrichment (eighth claim for relief).

Dated: _____, 2010

SO ORDERED

Sidney H. Stein, U.S.D.J.